

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FABIAN LOPEZ,

Petitioner,

v.

MICHAEL WENEROWICZ, et al.,
Respondents.

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Civ. No. 13-2954

ORDER

AND NOW, this 8th day of October, 2013, no objections to the Report and Recommendation having been filed, it is hereby **ORDERED** as follows:

1. The Report and Recommendation of the Honorable Linda K. Caracappa, United States Magistrate Judge, is **APPROVED and ADOPTED**;
2. The Petition is **STAYED and held in ABEYANCE** until the conclusion of Petitioner's state court proceedings;
3. Petitioner shall notify this court within forty-five (45) days following the conclusion of his state court proceedings. If Petitioner does not return to federal court within forty-five (45) days following the conclusion of state proceedings, this stay and abeyance Order is **VACATED** and the Petition is **DISMISSED** without prejudice.
4. No certificate of appealability shall issue;
5. The Clerk shall mark this case **CLOSED** for statistical purposes.

AND IT IS SO ORDERED.



Paul S. Diamond, J.